

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claims 7 and 12 are amended, thus, claims 7, 8 and 12 remain pending with claim 7 being independent. No new matter has been added.

Applicants note that claims 7 and 12 have been amended to correct a typographical error and to overcome a 35 U.S.C. §112, second paragraph rejection. Therefore, Applicants submit that these amendments should be entered, since they do not require a further search or consideration.

### ***Rejections Under 35 U.S.C. §112, second paragraph***

Claim 12 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Claim 12 is amended to overcome this rejection.

### ***Rejections Under 35 U.S.C. §103(a)***

Claims 7, 8 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Matsukawa (U.S. 2004/0062189) in view of Mizuno (EP 1 047 056).

Applicants respectfully traverse this rejection. Applicants submit that the cited prior art fails to disclose or render obvious independent claim 7. Specifically, claim 7 recites an optical information recording medium comprising a land/groove structure having a land and a groove in which information is recorded in tracks on both the land and the groove, and the recording can be performed at a plurality of linear velocities, wherein the ratio of the maximum recordable linear speed to the minimum recordable linear speed has a value of 2 to 3, the ratio (i.e., RG/RL) of the amount of light reflected from a groove (i.e., RG) in an unrecorded state to the amount of light reflected from a land (i.e., RL) in an unrecorded state has a value of at least 1.08 and no more than 1.19 (i.e., RG>RL), the recording or reproduction of information is performed by utilizing a phase change in the land/groove structure, the ratio of the groove half-value width to the track pitch is greater than about 0.5 and less than about 0.6, and the depth of the groove is from 40 to 65 nm.

Applicants submit that the cited prior art fails to disclose or render obvious such a medium. In particular, Mizuno discloses in paragraphs [0351] to [353] that with the medium disclosed therein, the reflectance decreases after recording. “With such a recording medium, it is preferred to make the groove width narrower than the land width in order to make the reflectance in the groove to be low i.e. to attain  $RGa < RLa$ , where  $RGa$  is the average reflectance in the groove *after* recording, and  $RLa$  is the average reflectance of the land *after* recording. For example, in order to secure interchangeability with [a] DVD, if the groove pitch is adjusted to 0.74  $\mu\text{m}$ , the groove width is preferably narrower than 0.37  $\mu\text{m}$  which is one half of the groove pitch. On the other hand, in a case where the average reflectance  $RGb$  in the groove before recording may be larger than the average reflectance  $RLb$  on the land before recording i. e.  $RGb > RLb$ , so long as the above  $RGa < RLa$  is satisfied it may sometimes be possible to reduce jitter, to increase the modulation or to widen the width of amorphous marks to be recorded in the groove, by adjusting the groove width to be from 0.4 to 0.5  $\mu\text{m}$ .” (Emphasis added).

Therefore, it is clear from these portions of Mizuno that Mizuno deals with and focuses on the condition  $RGa < RLa$  *after* recording, and not  $RGb > RLb$  *before* recording, as recited in claim 7. That is, Mizuno fails to disclose or render obvious the claimed RG/RL ratio, since Mizuno fails to disclose a RG/RL relationship before recording. Thus, one of ordinary skill in the art would not have found it obvious to design the claimed ratio between the groove width and the land width before recording based on Mizuno.

Applicants submit that the Examiner’s rejection of claim 7 is based on improper hindsight, since it appears that the Examiner has simply extracted sentences in Mizuno that are similar to the claimed invention without fully considering the other necessary descriptions and conditions that support those extracted sentences.

Therefore, Applicants submit that independent claim 7 and its dependent claims are allowable over the cited prior art.

***Conclusion***

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Tomiharu HOSAKA et al.

By: \_\_\_\_\_  
/Jeffrey J. Howell/  
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Jeffrey J. Howell  
Registration No. 46,402  
Attorney for Applicants

JJH/kh  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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